

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES CHRISTOPHER BUTCHER,

Plaintiff(s),

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

Case No. 2:23-cv-00350-JCM-NJK

**Order**

[Docket No. 1]

Plaintiff requests authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis* (Docket No. 1), and submitted a complaint (Docket No. 1-1).

**I. Application to Proceed *In Forma Pauperis***

Plaintiff filed an application to proceed *in forma pauperis*. Docket No. 1. The application has sufficiently shown an inability to prepay fees and costs or give security for them. Accordingly, the application to proceed *in forma pauperis* will be granted pursuant to § 1915.

**II. Screening the Complaint**

When a party seeks permission to pursue a civil case *in forma pauperis*, courts will screen the complaint. *See* 28 U.S.C. § 1915(e). With respect to social security appeals specifically, judges in this District have outlined some basic requirements for complaints to satisfy the Court's screening. First, the complaint must establish that administrative remedies were exhausted pursuant to 42 U.S.C. § 405(g), and that the civil action was commenced within 60 days after notice of a final decision. Second, the complaint must indicate the judicial district in which the plaintiff resides. Third, the complaint must state the nature of the plaintiff's disability and when the plaintiff claims to have become disabled. Fourth, the complaint must identify the nature of the plaintiff's disagreement with the determination made by the Social Security Administration and

1 show that the plaintiff is entitled to relief. *See, e.g., Graves v. Colvin*, 2015 WL 357121, \*2 (D.  
2 Nev. Jan. 26, 2015) (collecting cases).

3 The Court has reviewed the complaint, and finds these elements satisfied in this case.

4 **III. Conclusion**

5 Accordingly, the Court hereby **ORDERS** as follows:

- 6 1. Plaintiff's request to proceed *in forma pauperis* is **GRANTED** with the caveat that the  
7 fees shall be paid if recovery is made. At this time, Plaintiff shall not be required to  
8 pre-pay the filing fee.
- 9 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of  
10 prepayment of any additional fees or costs or the giving of a security therefor. The  
11 Order granting leave to proceed *in forma pauperis* shall not extend to the issuance of  
12 subpoenas at government expense.
- 13 3. The Clerk of Court shall file the Complaint.
- 14 4. The Clerk of Court shall provide notice of this action to the Commissioner pursuant to  
15 Rule 3 of the Supplemental Rules for Social Security.
- 16 5. From this point forward, Plaintiff shall serve upon Defendant or, if appearance has been  
17 entered by counsel, upon the attorney, a copy of every pleading, motion or other  
18 document submitted for consideration by the court. Plaintiff shall include with the  
19 original paper submitted for filing a certificate stating the date that a true and correct  
20 copy of the document was personally served or sent by mail to the defendants or  
21 counsel for the defendants. The Court may disregard any paper received by a district  
22 judge or magistrate judge which has not been filed with the Clerk, and any paper  
23 received by a district judge, magistrate judge or the Clerk which fails to include a  
24 certificate of service.

25 IT IS SO ORDERED.

26 Dated: April 3, 2023

27   
28 Nancy J. Koppe  
United States Magistrate Judge